

2

August 15, 1936.

Hon. James H. Kerby,
Secretary of State,
Phoenix, Arizona.

Dear Mr. Kerby:

Referring to your letter of August 10th requesting an opinion from the Attorney General relative to the question as to whether or not there is any provision of law requiring you, as Secretary of State, to advertise for bids for printing the publicity pamphlets for the initiative, referendum and constitutional amendments which are to appear on the general election ballot next November 3:

You state in your letter that on July 29, 1936, notice of bids was issued for the 1936 Publicity Pamphlet, in accordance with the provisions of Chapter 62, Senate Bill No. 141 (Sec. 1746 as amended by Chapter 62, Laws of 1935), and sent to some twelve printing establishments in the State of Arizona, and you further state that no bid was received from any of said printing establishments.

Please be advised that after a careful examination of the statutes regarding the printing of the publicity pamphlets that we are unable to find any provision requiring that you advertise for bids for such printing. Section 1746, as contained in the Revised Code of Arizona, 1928, and as amended by Chapter 62, Laws of 1935, provides:

"(a) Whenever the secretary of state is ordered by the legislature or by petition under the initiative and referendum provisions of the constitution, to submit to the people any measure or proposed amendment to the constitution, he shall cause to be printed, at the expense of the state, except as hereinafter provided, a publicity pamphlet....."

The exception noted refers to the cost of printing arguments for and against such measures which is to be borne by those persons filing such arguments in your office.

36-121

Hon. James H. Kerby

-2-

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In view of the fact that you have already caused notice of bids to be given to some twelve printing establishments in the state and have received no bids from the same for the printing of said publicity pamphlets, and in view of the fact that there is no general or specific provision of law requiring that you advertise for bids for the publishing of said publicity pamphlets, and that a contract for printing the same must be given to the lowest and best bidder, it is the opinion of the Attorney General that you may legally enter into a contract with any established printing concern in the state of Arizona for the printing of said publicity pamphlets. We would advise that contract be let on a per page cost basis in order that the cost of printing the arguments filed may be proportioned in accordance with the provisions of Section 1746, supra, as amended by Chapter 62, Laws of 1935.

Very truly yours,

JOHN L. SULLIVAN,
Attorney General.

ELMER C. COKER,
Assistant Attorney General.